

55-130. DETERMINATION OF NATURE OF IMPROVEMENTS.

Consistent with the provisions of this chapter, the Township Committee, with the assistance of the municipal agency and other appropriate Township departments, shall, prior to the imposition of any conditions on a development application, determine whether the off-site or off-tract improvement is to be constructed by the Township as a general improvement or as a local improvement or whether such development is to be constructed by the developer with a formula providing for partial reimbursement if the improvement specially benefits properties other than those of the developer.

- B. Once the foregoing determination has been made, the municipal agency shall estimate, with the aid of the Township Engineer and such other persons having pertinent information or expertise, the cost of the improvement and the amount by which all properties to be serviced thereby, including the developer's property, will be specially benefited there from.
- C. Following the aforesaid determinations by the municipal agency, the developer may be required to provide, as condition for approval, a bond or cash deposit to ensure payment to the Township of one (1) of the following amounts:
- (1) If the improvement is to be constructed by the Township as a general improvement, an amount equal to the difference between the estimated cost of the improvement and the estimated total amount by which all properties to be serviced thereby, including the developer's property, will be specially benefited by the improvement.
 - (2) If the improvement is to be constructed by the Township as a local improvement, then in addition to the amount referred to in paragraph C(1), the estimated amount by which the developer's property will be specially benefited by the improvement.
 - (3) If the improvement is to be constructed by the developer, an amount equal to the estimated cost of the improvement.
- D. The amounts of money required pursuant to this section shall be estimated sums, and such amounts shall be predetermined by the Township following the completion of the improvement to ensure that the developer shall pay only his appropriate share of the cost thereof.

55-131

BARNEGAT TOWNSHIP CODE

- E. Should a developer pay under protect the amount which has been determined as his pro rata share, legal action shall be instituted within one (1) year of such payment in order to preserve the right to a judicial determination as to the fairness and reasonableness of such amount.